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38406 7590 04/23/2008 MICHAEL A. O'NEIL, P.C. 5949 SHERRY LANE, SUITE 820 DALLAS, TX 75225				
EXAMINER				
MENDOZA JR, JORGE				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/673,998

Applicant(s)

MORTON, LARRY E.

Examiner

JORGE MENDOZA JR

Art Unit

2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 01/25/2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-53 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-53 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. Claims **1-53** are presented for Examination.
2. Claims **1, 8, 15, 19, 24, 29, 33,** and **40-41** have been amended.
3. Claims **42-53** have been added.

Response to Arguments

4. Applicant's arguments with respect to Claims **1, 15, 24, 33, 40, 41, 42 & 48** have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims **1-42, 44-48, & 50-53** rejected under 35 U.S.C. 103(a) as being unpatentable over **Hendricks et al. (US Patent No.5,659,350)** in view of **Hendricks et al.^A (US Patent No.5,600,573)**.

With respect to Claim **1**, the claimed "plurality of first receivers receiving the plurality of programs as analog and digital signals" is met by Hendricks et al. disclosing

an Operation Center **202** that is capable of receiving various external program feeds in both analog & digital form. (*Figs.2 & 11; col.7, lines 14-18; col.14, lines 4-9, & col.30, lines 19-24*). The claimed "a master control unit coupled to the plurality of receivers, the master control unit comprising an analog to digital converter, a storage server, a plurality of playback stations, compression and encryption processors, a multiplexer and a control unit" is met by Hendricks et al. that teach the use of a computer assisted packaging system (CAPS) **260** within the operation center **202** that consists of analog to digital converter **284**, a video storage unit **267**, multiple workstations **262**, video/ audio equipment **266** for compression and encryption, multiplexer **273**, and a control unit **264**. (*Fig.4, 5, & 11; col.7, lines 21-25, 39-43; col.13, lines 28-66, & col.30, lines 19-28*).

The claimed "the control unit adapted to provide programming instructions to store, process, compress, encrypt, monitor and generate an output signal comprising the plurality of programs in a predetermined format" is met by control unit **264**, that is interlinked to all the components of the CAP system **260** within the operations center **202**, thereby controlling all of their respective functions and packaging the programs into groups/categories for optimal marketing. (*Fig.4 & 5; col.7, lines 28-31; col.13, lines 28-66; and col.17, lines 28-38*).

The claimed "wherein the control unit further adapted to provide programming instructions for the plurality of playback stations to add commercials to the plurality of programs" is not explicitly taught by the Hendricks et al reference. However, in the same field of endeavor, Hendricks et al.^A teaches an operations center **202** that organizes and packages television programs for transmission in a television delivery system-

whereby a receiver **300**, under the control of a system controller **312**, receives multiple video/audio programs & advertisements **212** and in which an ad insertion component **332** determines what/where ads will be inserted into the program lineup (*Figs.1&2; col.7, lines 9-17; col.9, lines 56-67; col.10, lines 39-41, 52-55; col.17, lines 49-67*).

It would have been obvious to a person of ordinary skill in the art, at the time of the invention, to have combined the teachings of the Hendricks et al. reference with those of the Hendricks et al.^A reference so as to provide an additional external program source for inclusion in the television program signal transmission. A person with ordinary skill in the art would have been motivated to make such a modification to the Hendricks et al. reference in order to allow for commercial insertion at a master headend center (operations center **202**).

The claimed "a transmitter coupled to the master control unit transmitting the output signal to a plurality of second receivers, wherein at least one of the second receivers is associated with a local television station operator" is met by uplink sites **204** which receives the output signal from the operations center **202** and is prepared for satellite transmission to multiple reception sites **207**, consisting of multiple cable headends **208** & multiple set top terminals **220** (*Fig. 1; col.8, lines 35-46*).

With respect to Claim **2**, the claimed "analog to digital converter is coupled to the plurality of receivers and converts the plurality of programs received as analog signals to digital signals" is met by Hendricks et al. that teach an analog to digital converter **284**

that receives multiple signals **280, 282, & 286** via a landline, microwave, or satellite transmission (*Fig. 11; col. 14, lines 7-9; col. 30, lines 19-28*).

With respect to Claim **3**, the claimed "storage server is a multichannel audio/video server for storing digital signals" is met by Hendricks et al. that teach a local video storage **267** that supplies video and audio to the CAP system **260** (*Fig. 4, col. 7, lines 24-28; col. 13, lines 62-64*).

With respect to Claim **4**, the claimed "the storage server is coupled to the analog to digital converter, the storage server being configured to store the digital signals received from the analog to digital converter" is met by Hendricks et al. that teach the use of a local video storage **267** that stores video programming from video/audio equipment **266** that digitizes analog content (*Fig. 4; col. 13, lines 62-67*).

With respect to Claim **5**, the claimed "plurality of playback stations are used to edit, monitor, format, and position the plurality of programs in a single channel for the output signal" is met by Hendricks et al. that teach the use of multiple packager workstations **262** of the CAP system **260** for editing, monitoring, formatting, & the positioning of the plurality of programs (*Fig. 4; col. 15, lines 6-19; col. 30, lines 19-28*).

With respect to Claim **6**, the claimed "the master control unit further comprises a digital router coupled to each one of the plurality of playback stations, storage server, the analog-to-digital converter, compression and encryption processors and the multiplexer for routing the digital signals" is met by Hendricks et al. that teach the use of a central processing unit **264** which interconnects all the components of the CAP

system **260**, including the workstations **262**, the local video storage **267**, the video/audio equipment **266**, and the multiplexer **273** (*Fig.4 &5; col. 13, lines 37-46*).

With respect to Claim **7**, the claimed "the digital router is controlled and monitored by the control unit" is met by Hendricks et al. that teach the use of a central processing unit **264** which routes programming content between the components of the CAP system **260** as discussed in Claim **6**. (*Fig.4-5; col.13, lines 37-46*).

With respect to Claim **8**, the claimed "the compression and encryption processors are coupled to the playback stations, the storage server, the multiplexer, and the digital router, the compression and encryption processors compress and encrypt the digital signals received from the playback stations or the storage server and transmit the compressed and encrypted signal to the multiplexer" is met by Hendricks et al. that teach the use of video/audio equipment **266** coupled to the multiplexer **273**, in addition to the components of the CAP system as discussed in Claim **6** (*Fig.4 & 5; col. 13, lines 57-67*).

With respect to Claim **9**, the claimed "the multiplexer multiplexes the digital signals and outputs the output signal to the transmitter" is met by Hendricks et al that teach the use of a digital multiplexer **273** that multiplexes digital signals **274 & 276** and the uplink site **204** where the signal is to be transmitted (*Fig. 1,5, & 11; col. 8, lines 35-37, col. 17, lines 28-48*).

With respect to Claim **10**, the claimed "control unit operably coupled to the transmitter monitors the output signal received by the plurality of second receivers" is

met by Hendricks et al. that teach the use of a central processing unit **264**, of the CAP **260**, located in the Operations Center **202** that uses the feedback sent from the set top terminals to properly package its multiple input signals. (*Fig. 3; col.3, lines 58-67; col.4, lines 1-2; col.9, lines 2-9*).

With respect to Claim **11**, the claimed “transmitter is a satellite uplink-transmitter” is met by Hendricks et al. that teach the use of a transmitter **296** which uplinks the processed signal of either the operations center **202** or the uplink site **204** to a satellite **206** (*Fig. 1 & 11; col. 8, lines 42-45; col.32, lines 54-58; col.36, lines 8-11*).

With respect to Claim **12**, the claimed “broadcast system is located in a single central facility” is met by Hendricks et al. that teach an Operations Center **202** and the uplink facility **204** being in one central location (*Fig.1 & 11; col.39, lines 32-35*).

With respect to Claim **13**, the claimed “broadcasting system is automated” is met by Hendricks et al. that teach that multiple operation centers **202** are possible, where one would be designated as the master operation center and the rest as slave operation centers, thereby making the latter automatic in nature (*col.39, lines 41-54*).

With respect to Claim **14**, the claimed “broadcasting system is manually operated” is met by Hendricks et al. that teach a programmer inputting specific commands into the CAP system **260**, located within an Operation Center **202** (*col.7, lines 39-44; and col.15, lines 6-27*).

Claim **15** is analyzed as a method of the system of Claim **1**, and thereby met as previously discussed with respect to Claims **1-10**. In addition, Hendricks et al. teach the

use of buffers **271**, controllers **272**, and a Delivery Control Processing Unit **270** that monitor the receipt of the multiple incoming program signals into the Operations Center **202** (*col. 13, lines 29-37; col.17, lines 21-25; Fig.4, and Fig.5*).

Claim 16 is met as previously discussed with respect to Claim **15**.

Claim 17 is met as previously discussed with respect to Claims **2 & 3**.

Claim 18 is met as previously discussed with respect to Claim **4**.

Claim 19 is met as previously discussed with respect to Claim **7**.

Claim 20 is met as previously discussed with respect to Claim **13**.

Claim 21 is met as previously discussed with respect to Claim **5**.

Claim 22 is met as previously discussed with respect to Claim **9**.

Claim 23 is met as previously discussed with respect to Claim **11**.

With respect to Claim **24**, the claimed "A master control unit coupled to a plurality of receivers and a transmitter, the master control unit being adapted to receive a plurality of programs from different programming sources comprising: digitizing means for converting analog signals to digital signals; storing means for storing the digital signals"" is met by Hendricks et al. that teach the use of computer assisted packaging system (CAPS) **260** within an Operation Center **202**, capable of receiving various external program feeds, consisting of an analog to digital converter **284** & a video storage unit **267** (*Fig.2, 4, 5 & 11; col.7, lines 14-18, 21-25, 39-43; col.13, lines 28-66; col.14, lines 4-9, & col.30, lines 19-24*).

The claimed "processing means for editing, formatting, and adding commercials to the digital signals" is not explicitly taught by the Hendricks et al. reference. However, in the same field of endeavor, Hendricks et al.^A teaches an operations center **202** that organizes and packages television programs for transmission in a television delivery system- whereby a receiver **300**, under the control of a system controller **312**, receives multiple video/audio programs & advertisements **212** and in which an ad insertion component **332** determines what/where ads will be inserted into the program lineup (*Figs.1&2; col.7, lines 9-17; col.9, lines 56-67; col.10, lines 39-41, 52-55; col.17, lines 49-67*).

It would have been obvious to a person of ordinary skill in the art, at the time of the invention, to have combined the teachings of the Hendricks et al. reference with those of the Hendricks et al.^A reference so as to provide an additional external program source for inclusion in the television program signal transmission. A person with ordinary skill in the art would have been motivated to make such a modification to the Hendricks et al. reference in order to allow for commercial insertion at a master headend center (operations center **202**).

The claimed "compressing and encryption means for compressing and encrypting the digital signals; multiplexing means for multiplexing the digital signals received from the processing means and outputting a single output signal; and control means for monitoring, routing, and processing the digital signals based on a predetermined format, wherein digital signals are transmitted to at least one local television station operator" is met by Hendricks et al. that teach the use of video/ audio equipment **266** for compression and encryption, multiplexer **273**, and a control unit **264**

– the control unit **264** interlinking all the components of the CAP system **260** within the operations center **202**, thereby controlling all of their respective functions and packaging the programs into groups/categories for optimal marketing (*Fig.4 & 5; col.7, lines 21-43; col.13, lines 28-66, & col.17, lines 28-38*)

With respect to Claim **25**, the claimed “wherein the digitizing means is an analog to digital converter” is met by Hendricks et al. that teach the use of an A/D converter **284** (*Figs.2, 4, &11; col.7, lines 14-24; col.13, lines 57-67; col.30, lines 19-28*).

With respect to Claim **26**, the claimed “wherein the storing means is an analog to digital converter” is met by Hendricks et al. that teach the use of a local video storage **267** that supplies video and audio to the CAP system **260** (*Fig.4, col.7, lines 24-28; col. 13, lines 62-64*).

With respect to Claim **27**, the claimed “wherein the analog to digital converter transmits the digital signals to the multi-channel audio-video server” is met by Hendricks et al. that teach the use of a local video storage **267** that stores video programming from video/audio equipment **266** that digitizes analog content (*Fig. 4; col.13, lines 62-67*).

With respect to Claim **28**, the claimed “wherein the processing means includes monitoring, editing, formatting, and scheduling the digital signals in a plurality of playback stations” is met by Hendricks et al. that teach the use of multiple packager workstations **262** of the CAP system **260** for editing, monitoring, formatting, & the positioning of the plurality of programs (*Fig.4; col.15, lines 6-19; col.30, lines 19-28*).

With respect to Claim **29**, the claimed “plurality of playback stations is controlled by the control means” is met by Hendricks disclosing the functions of the video/audio equipment **266** being controlled by the central processing unit **264** (*Fig. 4 and col.13, lines 57-61*).

With respect to Claim **30**, the claimed “wherein the control means controls traffic of the plurality of programs and formatting of the plurality of programs” is met by Hendricks et al. that teach the use of a central processing unit **264** which interconnects all the components of the CAP system **260**, including the workstations **262**, the local video storage **267**, the video/audio equipment **266**, and the multiplexer **273** - and thereby has control over the traffic/formatting of the plurality of programs (*Fig.4 &5; col. 13, lines 37-46*).

With respect to Claim **31**, the claimed “wherein the control means is automated” is met by Hendricks et al. that teach that multiple operation centers **202** are possible, where one would be designated as the master operation center and the rest as slave operation centers, thereby making the latter automatic in nature (*col.39, lines 41-54*).

With respect to Claim **32**, the claimed “wherein the control means is manually operated” is met by Hendricks et al. that teach a programmer inputting specific commands into the CAP system **260**, located within an Operation Center **202** (*col.7, lines 39-44; and col.15, lines 6-27*).

Claim **33** is met as previously discussed with respect to Claims **1-9**.

With respect to Claim **34**, the claimed "plurality of input storage devices is at least one of video tape recorder, very small aperture terminal, a compact disk, and a digital versatile disk" is met by Hendricks et al. that teach the use of permanent or volatile memory sources, including devices such as magnetic tape or RAM for storage purposes (*col.7, lines 24-27*).

With respect to Claim **35**, the claimed "programming feeds are received in the master control unit through at least one of satellite downlink transmission, cable, compact disk, digital versatile disk and video tape" is met by Hendricks et al. that teach the delivery of external programming signals through the use of a satellite or microwave transmission (*col. 14, lines 7-9*).

Claim **36** is met as previously discussed with respect to Claim **3**.

Claim **37** is met as previously discussed with respect to Claim **12**.

Claim **38** is met as previously discussed with respect to Claim **14**.

Claim **39** is met as previously discussed with respect to Claim **13**.

Claim **40** is met as previously discussed with respect to Claims **1-11**.

Claim **41** is met as previously discussed with respect to Claims **1-11**.

Claim **42** is met as previously discussed with respect to Claim **1**.

Claim **44** is met as previously discussed with respect to Claim **2**.

Claim **45** is met as previously discussed with respect to Claim **3**.

With respect to Claim **46**, the claimed "wherein at least one of the second receivers is associated with a local cable operator" is met by uplink sites **204** which

Art Unit: 2623

receives the output signal from the operations center **202** and is prepared for satellite transmission to multiple reception sites **207**, consisting of multiple cable headends **208** & multiple set top terminals **220** (*Fig. 1; col.8, lines 35-46*).

With respect to Claim **47**, the claimed "wherein said multiplexer monitors and controls allocation of an available bandwidth among the channels when generating the output signal" is met by Hendricks et al. that teach the use of multiplexer **273**, under the control of the Delivery Control Processor Unit **270** as commanded by the CPU **264**, in the appropriate multiplexing and the subsequent proper utilization of available bandwidth (*Fig.5; col.3, lines 35-38; col. 8, lines 35-37; col.17, lines 28-38; col.33, line 32-col.34, line 26*).

Claim **48** is met as previously discussed with respect to Claim **1**.

Claim **50** is met as previously discussed with respect to Claim **2**.

Claim **51** is met as previously discussed with respect to Claim **4**.

With respect to Claim **52**, the claimed "wherein at least one of the second receivers is associated with a local cable operator" is met by uplink sites **204** which receives the output signal from the operations center **202** and is prepared for satellite transmission to multiple reception sites **207**, consisting of multiple cable headends **208** & multiple set top terminals **220** (*Fig. 1; col.8, lines 35-46*).

With respect to Claim **53**, the claimed "wherein said generating step further includes monitoring and controlling allocation of an available bandwidth among the plurality of single channels when generating the output signal" is met by Hendricks et al.

Art Unit: 2623

that teach the use of multiplexer **273**, under the control of the Delivery Control Processor Unit **270** as commanded by the CPU **264**, in the appropriate multiplexing and the subsequent proper utilization of available bandwidth (*Fig.5; col.3, lines 35-38; col. 8, lines 35-37; col.17, lines 28-38; col.33, line 32- col.34, line 26*).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims **43 & 49** rejected under 35 U.S.C. 103(a) as being unpatentable over **Hendricks et al. (US Patent No.5,659,350)** in view of **Hendricks et al.^A (US Patent No.5,600,573)** as applied to Claims 42 & 48 above, and further in view of **Manson et al. (US Patent No.6,543,051)**.

With respect to Claim **43**, the claimed "wherein each playback station further adds local emergency system feeds to the single channel" is not explicitly taught by the Hendricks et al. reference. However, in the same field of endeavor, Manson et al. teach a system in which emergency alert messages are inputted into digital and analog subscriber television systems, whereby emergency alert equipment interfaces with system equipment at the headend of a television system (*Abstract; Figs. 1 & 2; col.1, lines 19-24; col.3, lines 9-11; col.4, lines 13-19, 47-67; col.5, lines 1-6*).

It would have been obvious to one skilled in the art, at the time the invention was made, to have modified the Hendricks et al. reference, in view of Hendricks et al.^A, with the teaching of the Manson reference in order to provide an end user with the ability to receive emergency alert messages via their television systems. A person of ordinary skill in the art would have been motivated to make such a modification to Hendricks et al. in order to allow individual subscribers to be notified of severe weather, national/local emergencies, etc. in an efficient manner.

Claim 49 is met as previously discussed with respect to Claim 43.

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Art Unit: 2623

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Jorge Mendoza Jr.** whose telephone number is (571) 270-5087. The examiner can normally be reached on Monday through Friday 7:30 am – 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Scott Beliveau** can be reached at (571) 272-7343. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/JORGE MENDOZA JR/

Examiner, Art Unit 2623

/Scott Beliveau/

Supervisory Patent Examiner, Art Unit 2623